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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASAKI HAMADA, ET AL. : EXAMINER: CHAI, LONGBIT
SERIAL NO: 10/578,868 :
FILED: MAY 11, 2006 : GROUP ART UNIT: 2431
FOR: METHOD AND SYSTEM FOR :
DETECTING DENIAL-OF-SERVICE
ATTACK

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of August 11, 2009, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance on pages 5 and 6 of the Notice of Allowance mailed August 11, 2009, the bridging paragraph states in part:

No singular art disclosing, nor motivation to combine has been found to anticipate or render obvious the claimed invention of detecting a traffic abnormality using the monitoring device to detect traffic abnormality information indicating an abnormality of traffic based on packets transmitted to the communication device; detecting performance abnormality information using the performance measuring device to detect performance abnormality information indicating an abnormality of throughput of the communication device, wherein the performance measuring device being separate from and connected with the communication device and the monitoring device through a network; and determining effects using the attack determining device to determine whether the communication device has received the denial-of-service attack, using both the traffic abnormality information and the

performance abnormality information, the determining including determining that the communication device has received the denial-of-service attack, when it is determined that one of the traffic abnormality information and the performance abnormality information causes an occurrence of one of the traffic abnormality information and the performance abnormality information based on an abnormality occurrence time included in the traffic abnormality information and the performance abnormality information.

Although the above comment seems to be directed to Claim 28, it is respectfully submitted that independent Claim 16 does not include all of the elements recited above. For example, Claim 16 recites “an effects determining unit that determines whether the communication device has received the denial-of-service attack” and not a method comprising “determining effects using the attack determining service to determine whether the communication device has received the denial-of-service attack.” Accordingly, it is respectfully submitted that the above quoted statement applied only to independent Claim 28 (and claims dependent therefrom), and not to independent Claim 16 (and claims dependent therefrom), to the extent the language used in the statement differs from the language of the claims.

Respectfully submitted,

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